

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JEFFREY TULLIS,)	
)	
Plaintiff,)	
)	
v.)	No. 1:21-cv-00168-TWP-TAB
)	
WENDY KNIGHT, et al.)	
)	
Defendants.)	

Order Screening Complaint and Directing Issuance and Service of Process

Plaintiff Jeffrey Tullis, an inmate at the Correctional Industrial Facility, brings this civil rights action alleging that the defendants were deliberately indifferent to his health and safety, with the result that he contracted Covid-19. The complaint is now ready for screening.

I. Screening Standard

Pursuant to 28 U.S.C. § 1915A(b), the Court must dismiss the complaint, or any portion of the complaint, if it is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. In determining whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017). For the complaint to survive dismissal, it "must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

II. The Complaint

The complaint names three defendants: (1) Warden Wendy Knight; (2) Major Fox; and (3) Lieutenant Coates.

In the complaint, Mr. Tullis alleges that two (non-inmate) kitchen staff members at Correctional Industrial Facility tested positive for Covid-19 on November 10, 2020. The defendants took no precautionary measures to quarantine inmates who worked alongside these staff members.

On November 13, 2020, three inmates who had been in contact with the infected kitchen staff members began showing symptoms of the virus. The three inmates, who all lived in Mr. Tullis's housing unit, were quarantined beginning November 14, 2020.

On November 18, 2020, the defendants decided to sanitize Mr. Tullis's housing unit. Around 3:30 p.m., they moved 126 inmates from this housing unit to the dining room. The inmates were not screened for Covid-19 symptoms before this move. The dining room was too small for 126 inmates to maintain six feet of distance from each other. While the 126 inmates were in the dining room, one became ill. This inmate was later confirmed to have Covid-19. The inmates were taken back to their housing unit around 9:15 p.m.

On November 19, 2020, Mr. Tullis began showing symptoms of Covid-19. He has since experienced fever, body pain, chest pain, breathing problems, vision problems, loss of taste and smell, "urination issues," muscle weakness, and headaches.

Mr. Tullis alleges that the defendants' actions were deliberately indifferent in violation of the Eighth Amendment and negligent under Indiana law. He seeks damages and declaratory relief.

III. Discussion

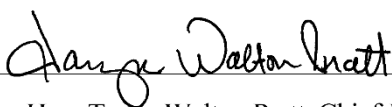
Mr. Tullis's Eighth Amendment claims against all defendants **shall proceed** based on allegations that the defendants were deliberately indifferent to his health and safety. His state-law negligence claims also **shall proceed**.

IV. Issuance and Service of Process

The **clerk is directed** to **issue process** to defendants (1) Wendy Knight; (2) Major Fox; and (3) Lt. Coates. Fed. R. Civ. P. 4(c)(3), 4(d). Process shall consist of the complaint, dkt. [1], applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Order.

IT IS SO ORDERED.

Date: 8/12/2021



Hon. Tanya Walton Pratt, Chief Judge
United States District Court
Southern District of Indiana

Distribution:

JEFFREY TULLIS
PENDLETON - CORRECTIONAL INDUSTRIAL FACILITY
CORRECTIONAL INDUSTRIAL FACILITY
Inmate Mail/Parcels
5124 West Reformatory Road
PENDLETON, IN 46064

Electronic service to Indiana Department of Correction employees at Correctional Industrial Facility:

Wendy Knight
Major Fox
Lieutenant Coates